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Tarrant County Texas

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D209164639

2 Pages



Suzanne Henderson

AMENDMENT TO OIL AND GAS LEASE (To Correct Land Description)

Notice of Confidentiality Rights: If you are a natural person, you may remove or strike any of the following information from this instrument before it is filed for record in the public records: Your social security number or your driver's license number.

STATE OF TEXAS

COUNTY OF TARRANT

**LESSOR: David William Fabian, a single man
6112 Windsong
Arlington, Texas 76001**

**LESSEE: Finley Resources, Inc.
1308 Lake Street
Fort Worth, Texas 76102**

Effective Date: August 14, 2008

Lessee, named above, and XTO Energy Inc., are the present owners of an Oil and Gas Lease (the "Lease"), dated April 15, 2005, from Lessor, named above, which Lease is recorded in D205172226 of the Official Public Records of the county and state named above and by Lease Extension and Advance Rental Payment Agreement dated April 14, 2008, which Lease Extension and Advance Rental Payment Agreement extends the Primary Term of the Oil and Gas Lease until April 15, 2010 and is a paid up Oil and Gas Lease, recorded in D208189584 of the Official Public Records of the county and state named above. Finley Resources, Inc. made a partial assignment of this lease to XTO Energy Inc. in Partial Assignment of Oil, Gas and Mineral Leases with Reservation of Overriding Royalty Interest, dated March 16, 2009, recorded in Instrument Number D209105034, Official Public Records of the county and state named above.

At the time the Lease was entered into, the description of the lands contained in the Lease was believed by Lessor and Lessee to cover, and was intended by them to cover, certain lands owned by Lessor.

Since the execution, delivery, and recording of the Lease, it has been discovered that the description of lands contained in the Lease does not adequately describe the lands Lessor and Lessee intended to be covered by the Lease. Lessor and Lessee desire to amend and correct the description of the lands contained in the Lease to accurately identify the lands to be covered by and subject to the terms of the Lease.

For adequate consideration, and the further consideration of the obligations and agreements contained in the Lease, Lessor acknowledges and agrees that the Lease shall cover, and the Lease is amended, so that it now covers the following lands in the county and state named above:

TRACT ONE: 9.386 acres, more or less, being the same lands depicted and described as Lot 2, Block 1, Cahoba Business Addition, an Addition to the City of Fort Worth, Tarrant County, Texas, according to a Plat, recorded under Tarrant County Clerk Document No. D200095484, Deed Records, Tarrant County, Texas; also being "Tract 1" described in a Deed, dated August 24, 2005, from Cahoba 820, Ltd., to the State of Texas, filed under Tarrant County Clerk Document No. D205292577, Deed Records, Tarrant County, Texas

TRACT TWO: 0.386 acres, more or less, being "Tract 2", described in a Deed, dated August 24, 2005, from Cahoba 820, Ltd., to the State of Texas, filed under Tarrant County Clerk Document No. D205292577, Deed Records, Tarrant County, Texas.

Lessor ratifies, adopts, and confirms the Lease and extends the Lease to cover the lands described in this Amendment as if the description of lands set out above had been originally included in the Lease. Lessor grants, leases, and lets to Lessee, its successors and assigns, the lands described in this Amendment for the purposes of and on the terms, conditions, and provisions contained in the Lease.

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This Amendment shall be binding for all purposes on Lessor and Lessor's successors, heirs and assigns.

This Amendment is signed by Lessor and Lessee as of the date of the acknowledgment of their signatures below, but is effective for all purposes as of the Effective Date stated above.

LESSOR

David William Fabian
David William Fabian, a single man

CURRENT LESSEE:

Finley Resources, Inc.

By: Stephen M. Clark

Printed Name: Stephen M. Clark

Title: CFO Wld

CURRENT LESSEE:

XTO Energy Inc.

By: Edwin S. Ryan Jr. JSR

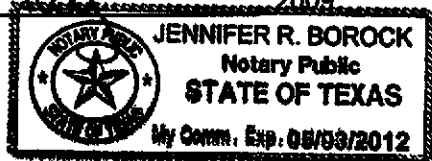
Edwin S. Ryan Jr.
Sr. Vice President – Land Administration

THE STATE OF TEXAS

COUNTY OF TARRANT

Before me, the undersigned authority, on this day personally David William Fabian, subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

Given under my hand and seal of office this 13th day of May, 2009.



Jennifer R. Borock
Notary Public, State of Texas

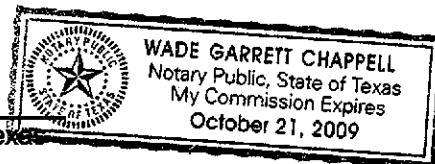
THE STATE OF TEXAS

COUNTY OF TARRANT

This instrument was acknowledged before me on the 13th day of June, 2009, by Stephen M. Clark of CFO of FINLEY RESOURCES, INC., on behalf of said corporation.

Waide Garrett Chappell

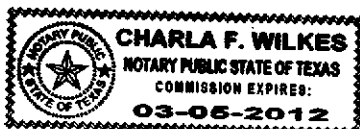
Notary Public, State of Texas



THE STATE OF TEXAS

COUNTY OF TARRANT

This instrument was acknowledged before me on the 19th day of June, 2009, by Edwin S. Ryan Jr. of Sr VP-Land Administration of XTO ENERGY INC, on behalf of said corporation.



Charla F. Wilkes

Notary Public, State of Texas